

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE	)	C.A. No. 01-CV-12257 (PBS)
LITIGATION	)	
	)	HON. PATTI B. SARIS
<u>THIS DOCUMENT RELATES TO ALL CASES</u>	)	

**DEFENDANTS' NOTICE OF ARIZONA STATE COURT'S ORDER DESIGNATING  
CASE AS COORDINATED STATE COURT CASE UNDER CMO 9**

On November 22, 2004, Justice Rebecca A. Albrecht of the Superior Court of the State of Arizona in and for the County of Maricopa (the "Arizona Court") issued an order designating the matter entitled *Robert J. Swanston v. TAP Pharmaceutical Products, Inc. et al*, CV2002-004988 ("Swanston") as a Coordinated State Court Case pursuant to Case Management Order No. 9 issued in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL 1456 (D. Mass.).

A copy of the Arizona Court's order is attached.

Respectfully submitted

ON BEHALF OF ALL SERVED  
DEFENDANTS

/s/ Joseph E. Haviland

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Dated: November 23, 2004

**CERTIFICATE OF SERVICE**

I certify that on November 23, 2004, a true and correct copy of the foregoing Notice of Arizona State Court's Order Designating Case As Coordinated State Court Case was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No.2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Lyndon M. Tretter

Lyndon M. Tretter